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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,167	04/06/2001	Ronald Kefferstein	Q63979	4388

7590

04/26/2002

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EXAMINER

LARSON, LOWELL A

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 04/26/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/827,167

Applicant(s)

KEFFERSTEIN ET AL.

Examiner

Lowell A. Larson

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 to 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 to 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3725

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 to 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are drafted in a narrative syntax which fails to define the invention in a manner that one would be able to specifically determine when infringement occurs. For example, "more particularly" and "in particular" in Claims 1 and 7 are vague and inconclusive. Also, no clear antecedent basis is found for "the stamping and/or heat treatment" in Claim 5, "the critical cooling rate" in Claim 6 or "the forming" in Claim 7. Such claims are considered to be indefinite.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3725

4. Claims 1 and 7, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuzuka et al.

The Fukuzuka et al. plated stamping stock has an intermediate alloyed layer, as required by these claims. Trimming excess material, as recited in Claim 1, is conventionally performed subsequent to shaping sheet material in dies, and may be assumed to be present in Fukuzuka et al.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuzuka et al. in view of Dumontel.

These claims require the sheet to be heated for forming. Dumontel discloses shaping aluminum-plated steel at the temperature required. It would have been obvious to one skilled in the art to heat the aluminum-plated blanks of Fukuzuka et al. prior to shaping, following the teaching of Dumontel, in order to increase the ductility of the work to facilitate forming without tearing or fracture. Quenching, as recited in Claim 6, is considered to be an obvious expedient to one skilled in the art depending merely on the hardness characteristics desired in the product.

Art Unit: 3725

7. Claims 1 and 3 to 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhnert in view of Pearson.

These claims require the sheet to be plated with zinc. Kuhnert discloses shaping zinc-plated ferrous sheet material. Pearson discloses coating steel strip with zinc at a temperature over 700°C, and advises that plating in such a manner produces a bond with the strip which is able to withstand subsequent bending without damage.

It would have been obvious to one skilled in the art to apply the Kuhnert coating in the manner disclosed by Pearson following the suggestion that subsequent shaping can be performed without damage to the plate layer.

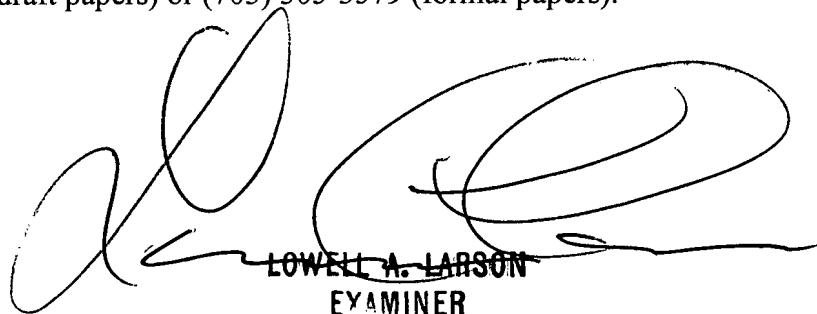
***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Menne et al., Shah et al. and Pierson et al. further show the state of the art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the undersigned Examiner whose telephone number is (703) 308-1873 and fax number is (703) 305-9835 (draft papers) or (703) 305-3579 (formal papers).

LAL

April 23, 2002



LOWELL A. LARSON  
EXAMINER